

United States District Court District of Massachusetts

UNITED STATES OF AMERICA,

v.

CRIMINAL NO. 2009-10012-PBS-4

ROLANDO CIRILO-MUNOZ

(True Name: RAUL MILCIADES ZAPATA-DIAZ),
Defendant.

ORDER OF DETENTION PENDING TRIAL

COLLINGS, U.S.M.J.

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- | | |
|-----------------------|--|
| <u> X </u>

— | (1) There is a serious risk that the defendant will not appear.
(2) There is a serious risk that the defendant will endanger the safety of another person or the community if released. |
|-----------------------|--|

Part II - Written Statement of Reasons for Detention

Defendant is an illegal immigrant who purchased identity papers in the name of Rolando Cirilo-Munoz, a citizen of Puerto Rico, so he could work in the United States. Unfortunately for him, the real Rolando Cirilo-Munoz is a citizen of Puerto Rico who has a long criminal record in that Commonwealth. Despite the fact that it became clear that the defendant in the instant case was not the person whose identity he claimed, the defendant continued until today to lie to Pre-Trial Services and the Court about his true identity. It was only when the Court indicated that it would not consider release until it had proof of the defendant's true identity that the defendant admitted that he was really Raul Milciades Zapata-Diaz, a citizen of the Dominican Republic, who is illegally in this country.

In these circumstances, the Court finds by a preponderance of the evidence that there are no conditions

or combination of conditions which will reasonably assure the defendant's appearance. Whether or not the defendant is convicted of the charges contained in the Indictment, he will be deported, and in order to be with him, his wife (who is legally in this country) and his two children (who are U.S. citizens) would have to return to the Dominican Republic. In view of the lengths the defendant has taken to be able to remain in the United States, the defendant is much more likely to flee to another area of the United States with his family and assume another false identity in order to stay in this country rather than to remain and face the charges and then deportation regardless of the result. In these circumstances, the offer to post \$25,000 plus other conditions would not suffice to reasonably assure the defendant's appearance.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appear. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Dated: February 6, 2009.